

Weekly Summary of Cases National Labor Relations Board

Week of January 10-14, 2011, W-3295

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Summarized Board Decisions

A-1 Door and Building Solutions (20-CA-33485, 356 NLRB No. 76) North Highlands, CA, January 11, 2011. [HTML] [PDF]

The Board found that the employer, a door manufacturer that supplies the construction industry, violated the Act by refusing to furnish the union with information regarding its profit-sharing plan and its job-bidding history during contract negotiations. The information was relevant because the employer proposed cutting the employee share of net profits to 5 percent from 10 percent. The Board ordered the employer to promptly provide the union with the requested information and to post notices promising not to interfere with collective bargaining rights.

Charge filed by Millmen and Industrial Carpenters Union, Local 1618, United Brotherhood of Carpenters and Joiners of America. Administrative Law Judge Gregory Z. Meyerson issued his decision January 15, 2008. Chairman Liebman and Members Becker and Hayes participated.

Chicago Parking Company, Inc. (13-CA-45440; 356 NLRB No. 72) Chicago, IL, January 11, 2011. [HTML] [PDF]

The Acting General Counsel sought default judgment in this case pursuant to the terms of an informal settlement agreement. The Board having found that the respondent engaged in certain unfair labor practices, ordered the respondent to take certain affirmative action designed to effectuate the policies of the Act. Specifically, the respondent is to comply with the remaining unmet terms of the settlement agreement approved by the Regional Director on June 23, 2010, by paying to discriminatees the remaining backpay owed, notifying a discriminatee in writing that any reference to an unlawful discharge had been removed from the files, and executing the collective-bargaining agreement with the union.

Charge filed by Auto Livery Chauffeurs, Embalmers, Funeral Directors, Apprentices, Ambulance Drivers and Helpers, Taxicab Drivers, Miscellaneous Garage Employees, Car Washers, Greasers, Polishers, and Wash Rack Attendants Union, Local 727, an affiliate of the IBT. Chairman Liebman and Members Becker and Hayes participated.

Decision in case involving prior ruling by two-member Board

The following case involves prior ruling by the two-member Board, whose authority to act was rejected by the U.S. Supreme Court decision in *New Process Steel, LP* (June 17, 2010). The new decision summarized here was reached by a three-member panel of the Board or by the full Board.

Union-Tribune Publishing Co., a Division of Copley Press, Inc. (21-CA-37535; 356 NLRB No. 77) San Diego, CA, January 12, 2011. [HTML] [PDF]

The Board agreed with the administrative law judge that the employer violated the Act by unilaterally changing the drug testing policies applicable to two units of employees. The Board also affirmed the judge's denial of reinstatement to two employees discharged under the new policies.

Charge filed by Graphic Communications Conference, International Brotherhood of Teamsters, Local 423M, Graphic Communications International Union. Administrative Law Judge Burton Litvak issued his decision April 24, 2008. Chairman Liebman and Members Becker and Hayes participated.

Unpublished Board Decisions in Representation Cases

Chicago Mathematics and Science Academy Charter School, Inc. (13-RM-1768) Chicago, IL, January 10, 2011. Notice and invitation to file briefs/Amici briefs due March 11, 2011 and responsive briefs due March 25, 2011. Petitioner – Chicago Alliance of Charter Teachers & Staff, IFT, AFT, AFL-CIO.

Chicago Mathematics and Science Academy Charter School, Inc. (13-RM-1768) Chicago, IL, January 10, 2011. Order granting employer-petitioner's request for review of the Acting Regional Director's decision and order. Petitioner – Chicago Alliance of Charter Teachers & Staff, IFT, AFT, AFL-CIO. Chairman Liebman and Members Becker and Pearce participated.

Medics Ambulance Service of Dade, Inc. (12-RC-9412) Miami Lakes, FL, January 10, 2011. The Board having reviewed the record in light of the exceptions and briefs, adopted the Hearing Officer's findings and recommendations, and found that a certification of representative should be issued. Petitioner – International Brotherhood of Teamsters, Local 769. Chairman Liebman and Members Becker and Hayes participated.

Community Holdings of Indiana, Inc. d/b/a The Herald Bulletin (25-RC-10503) Anderson, IN, January 10, 2011. Order denying petitioner's request for review of the Regional Director's decision and order. Petitioner – Graphic Communications Union Local 17M a/w Graphic Communications Conference of the International Brotherhood of Teamsters. Chairman Liebman and Members Becker and Pearce participated.

Enclosure Suppliers, LLC (9-RC-18327) Cincinnati, OH, January 7, 2011. Order denying employer's request for review of the Regional Director's decision and direction of election. Petitioner – Iron Workers Shopmen's Local 468 of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. Chairman Liebman and Members Pearce and Hayes participated.

Strategic Resources, Inc. (11-RC-6747) Fort Bragg, NC, January 10, 2011. Order amending the Regional Director's decision to permit the assistant project lead to vote under challenge, and denying the request for review in this and all other respect. Petitioner – International Brotherhood of Electrical Workers, Local 553, AFL-CIO. Chairman Liebman and Members Pearce and Hayes participated.

Hebrew Home and Hospital, Inc. (34-RC-2407) West Hartford, CT, January 12, 2011. Decision and order remanding proceeding to Regional Director for further appropriate action. Petitioner – International Brotherhood of Teamsters, Local 671.

Super Shuttle DFW, Inc. (16-RC-10963) DFW Airport, TX, January 12, 2011. Order granting motion to file amicus briefs with responses due in Washington, DC, on or before January 26, 2011. Petitioner – Amalgamated Transit Union, Local 1338.

BWI Taxi Management, Inc. (5-RC-16489) BWI Airport, MD, January 12, 2011. Order granting motion to file amicus briefs with responses due in Washington, DC, on or before January 26, 2011. Petitioner – Evening Shift Cab Operators Association.

Kansas City Repertory Theatre (17-RC-12647) Kansas City, MO, January 12, 2011. Decision and direction that Regional Director open and count ballots. Petitioner – Kansas City Federation of Musicians, Local 34-627, AFM.

Ryco Fire Protection Services, LP (6-RC-12718) McKeesport, PA, January 12, 2011. No exceptions having been filed to the Hearing Officer's report the Board adopted the Hearing Officer's findings and recommendations, and found that a certification of results of election should be issued. Petitioner – Road Sprinkler Fitters, Local 669, U.A., AFL-CIO.

Home Market Foods, Inc. (1-RC-22496) Norwood, MA, January 12, 2011. Order denying petitioner's request for review of the Regional Director's decision and direction of election. Petitioner –United Food and Commercial Workers, Local 1445. Chairman Liebman and Members Pearce and Hayes participated.

Decisions of Administrative Law Judges

Ashland Nursing & Rehabilitation Center (5-RC-16580; JD-01-11) Richmond, VA. Administrative Law Judge's report and recommendations on objections. Charge filed by United Food and Commercial Workers International Union, Local 400. Administrative Law Judge Arthur J. Amchan issued his report January 3, 2011. [HTML] [PDF]

Sunrise Mountainview Hospital, Inc. d/b/a Mountainview Hospital (28-CA-23100; JD(SF)-01-11) Las Vegas, NV. Decision and order transferring proceeding to NLRB. Charge filed by California Nurses Association/National Nurses Organizing Committee (CAN/NNOC). Administrative Law Judge Lana Parke issued her decision January 10, 2011. [HTML] [PDF]

Decamp Bus Lines, Inc. (22-CA-29202; JD(NY)-01-11) Montclair, NJ. Decision and order transferring proceeding to NLRB. Charge filed by Local 1317, Amalgamated Transit Union. Administrative Law Judge Steven Fish issued his decision January 11, 2011. [HTML] [PDF]

Michael R. Buttram, a Sole Proprietorship d/b/a Blue Dot Mechanical Insulation and/or Blue Dot Insulation Co. (8-CA-38708; JD-03-11) Lima, OH. Decision and order transferring proceeding to NLRB. Charge filed by International Association of Heat and Frost Insulators and Allied Workers, Local 41, a/w International Association of Heat and Frost Insulators and Allied Workers. Administrative Law Judge Arthur J. Amchan issued his decision January 12, 2011. [HTML] [PDF]

The Musical Arts Association (8-CA-38834; JD-04-11) Cleveland, OH. Decision and order transferring proceeding to NLRB. Charge filed by American Federation of Musicians of the United States and Canada, AFL-CIO/CLC. Administrative Law Judge Eric M. Fine issued his decision January 13, 2011. [HTML] [PDF]

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